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PART V

Bills introduced in the Gujarat Legislative Assembly

(To be translated into Gujarati and the translation to be published in the *Gujarat Government Gazette*. The date of publication to be reported.)

The following Bill is published with the consent of the Speaker given under the proviso to rule 127A of the Gujarat Legislative Assembly Rules:-

THE FACTORIES (GUJARAT AMENDMENT) BILL, 2025.

GUJARAT BILL NO. 20 OF 2025.

A BILL

further to amend the Factories Act,1948 in its application to the State of Gujarat.

It is hereby enacted in the Seventy-sixth year of the Republic of India as follows:

Short title and commencement.

1. (1) This Act may be called the Factories (Gujarat Amendment) Act, 2025.

(2) It shall be deemed to have come into force on the 1st July, 2025.

Amendment of section 54 of LXIII of 1948.

2. In the Factories Act, 1948, in its application to the State of Gujarat (hereinafter referred to as "the principal Act"), existing section 54 shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely: - **LXIII of 1948.**

"(2) Notwithstanding anything contained in sub-section (1), the State Government may by notification in the *Official Gazette*, extend the daily maximum hours of work specified in this section up to twelve hours inclusive of interval for rest in any day, subject to a maximum of forty-eight hours in any week as specified in section 51, in respect of any group or class or description of factories on such conditions as it may deem expedient, subject to the written consent of such worker for such work given to the concerned group or class or description of factories and the remaining days of the said week for the worker shall be paid holidays.".

Amendment of section 55 of LXIII of 1948.

3. In the principal Act, in section 55, after sub-section (2), the following sub-section shall be added, namely: -

"(3) Notwithstanding anything contained in sub-sections (1) and (2), the State Government may by notification in the *Official Gazette*, extend the total number of hours of work of a worker without an interval to six hours in respect of any group or class or description of factories on such conditions as it may deem expedient due to the provision of flexibility in working hours as specified in sub-section (2) of section 54.".

Amendment of section 56 of LXIII of 1948.

4. In the principal Act, existing section 56 shall be re-numbered as sub-section (1) of that section and after sub-section (1) as so re-numbered, the following sub-section shall be added, namely: -

"(2) Notwithstanding anything contained in sub-section (1), the State Government may by notification in the Official Gazette, increase the spread over up to twelve hours inclusive of his intervals for rest in respect of any group or class or description of factories on such conditions as it may deem expedient, due to the provision of flexibility in working hours as specified in sub-section (2) of section 54.".

Amendment of section 59 of LXIII of 1948.

5. In the principal Act, in section 59, for sub-section (1), the following sub-section shall be substituted, namely: -

"(1) Where a worker works in any factory, -

(i) for more than nine hours in any day or for more than forty-eight hours in any week, working for six days in any week;

(ii) for more than ten hours in any day or for more than forty-eight hours in any week, working for five days in any week;

(iii) for more than eleven and a half hours in any day, working for four days in any week, or works on paid holidays,

he shall in respect of overtime work, be entitled to wages at twice the rate of his ordinary rate of wages.".

Amendment of section 65 of LXIII of 1948.

6. In the principal Act, in section 65, in sub-section (3), -

(i) in clause (iv), for the words "seventy-five", the words "one hundred and twenty-five" shall be substituted;

(ii) after clause (iv), the following clause shall be added, namely: -

"(v) a worker may be required to work for overtime subject to his written consent for such work.".

Amendment of section 66 of LXIII of 1948.

7. In the principal Act, in section 66, for sub-section (1), the following sub-section shall be substituted, namely: -

"(1) The provisions of this Chapter shall, in their application to woman workers in factories, be supplemented by the following further restrictions, namely: -

(a) no woman shall be required or allowed to work in any factory except between the hours of 6 A.M. to 7 P.M:

Provided further that the State Government may by notification in *Official Gazette*, exempt in respect of any factory or group or class or description of any factory between the hours of 7 P.M to 6 A.M subject to the following conditions, namely: -

(i) it shall be the duty of the employer or other responsible persons at the work places to prevent or deter the commission of acts of sexual harassment and to provide the procedures for the resolution, statement or prosecutions of acts of sexual harassment by taking all steps required;

(ii) express prohibition of sexual harassment in any form such as unwelcome sexually determined behavior either directly or by implication or advances or contact to gain contact or demand sexual favours or make sexually coloured remarks or showing pornography or any other unwelcome physical, verbal or non- verbal contact of sexual nature;

(iii) provide appropriate working conditions in respect of works, leisure, health and hygiene to further ensure that there is no hostile environment towards women at workplaces and no woman worker should have reasonable grounds to believe that she is disadvantaged in connection with her employment;

(iv) the employer shall maintain a complaint redressal mechanism in the factory itself and the said mechanism shall ensure time-bound treatment of complaint. Such mechanism shall provide, when necessary a complaint committee, a special counsellor or other support services including the maintenance of confidentiality;

(v) the woman worker shall be allowed to raise issues of sexual harassment to workers in the worker's meeting and other appropriate forums;

(vi) the employer shall provide proper lighting and CCTV coverage not only inside the factory, but also surrounding of the factory and to all places where the woman workers may move out of necessity in the course of work. CCTV footage shall be stored for not less than forty-five days;

(vii) the employer shall ensure that the woman workers are employed in a batch not less than ten;

(viii) the sufficient woman security guard shall be provided during the night shift at the entry as well as exit point;

(ix) the sufficient number of rest rooms shall be provided for the woman workers to arrive in advance and also leave after the working hours;

(x) the employer shall provide transportation facility to the woman workers from their residence and back (for night shift) and security guards (including woman security guard) and each transportation vehicle shall also be equipped with CCTV camera and GPS;

(xi) during the night shift, not less than one-third of strength of the supervisor, shift-in-charge or foreman or other supervisory staff shall be women;

(xii) there shall be not less than twelve consecutive hours of rest or gap between the last shift and the night shift wherever a woman worker is changed from day shift to night shift and so also from night shift to day shift;

(xiii) the establishment shall obtain bio-data of each driver and conduct pre-employment screening of the antecedents of all drivers employed on their own. As regards the driver employed through outsourcing, the company shall ensure to its satisfaction that the collection of bio-data and conduct pre-employment screening of the antecedents of the driver is carried out by the service provider;

(xiv) the telephone number, particularly mobile phone numbers, email ID and address of the woman workers shall not be disclosed to unauthorised persons;

(xv) the careful selection of routes shall be made in such a way that no single woman worker shall be picked up first and dropped last;

(xvi) it shall not be made compulsory or obligatory for any woman worker to work in night shifts. The written consent shall be obtained from the woman workers who are interested to work in night shifts; and

(xvii) any other conditions as may be prescribed by the State Government in the interest of women safety.

(b) There shall be no change of shifts except after a weekly holiday or any other holiday.".

Repeal and saving.

8. (1) The Factories (Gujarat Amendment) Ordinance, 2025 is hereby repealed. **Guj. Ord. 2 of 2025.**

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance, shall be deemed to have been done or taken under the principal Act, as amended by this Act.

STATEMENT OF OBJECTS AND REASONS

The Factories Act, 1948 (Central Act No. 63 of 1948) has been enacted with a view to regulating the working condition, safety, security and welfare of workers employed in factories. To promote industrial investment and industries, to give impetus to industrial development in the State and to create more economic activities and employment opportunities, the State Government has considered it necessary to take steps to bring out working hour reforms by making statutory provisions, citing the number of benefits and security measures it could bring for workers especially to woman workers.

Hence, the following provisions of the Factories Act, 1948 in its application to the State of Gujarat proposed to be amended, to, -

(i) allow the State Government to increase the number of hours of work from the existing nine hours up to twelve hours inclusive of rest intervals in any day subject to maximum of fourty-eight hours in any week, to create more economic activities and employment opportunities. *Clause* 2 of the Bill provides for the same.

(ii) allow the State Government to extend the total number of hours of work by a worker without an interval to six hours to any group or class or description of factories to facilitate the increase in the daily maximum hours of work due to provisions of flexibility in working hours. *Clause* 3 of the Bill provides for the same.

(iii) allow the State Government to prescribe the hours of work in any day or in any week above which wages at the rate of twice the rate of ordinary wages in respect of overtime work is payable to worker in respect of overtime work. *Clause* 5 of the Bill provides for the same.

(iv) allow the factories to engage workers on overtime for an increased period of time in a quarter to deal with exceptional press of work. *Clause* 6 of the Bill provides for the same.

(v) enable the employment of woman workers on overtime work, providing for equality and equal opportunity to work and earn, and also to enable employment of woman round the clock subject to the conditions to secure safety and health of the woman workers working in night shifts, upon obtaining written consent from the woman workers who are interested to work in night shifts. *Clause* 7 of the Bill provides for the same.

As the Gujarat Legislative Assembly was not in session, at that time, the Factories (Gujarat Amendment) Ordinance, 2025 was promulgated to achieve the aforesaid objects. The Bill seeks to replace the said Ordinance by an Act of the State Legislature.

BALVANTSINH RAJPUT,

MEMORANDUM REGARDING DELEGATED LEGISLATION

This Bill involves delegation of legislative powers in following respects: -

***Clause 2.* -** Sub-section (2) of section 54 proposed to be added by this clause empowers the State Government to extend, by notification in the *Official Gazette*, the daily maximum hours of work up to twelve hours inclusive of interval for rest in any day subject to a maximum of forty-eight hours in any week.

***Clause 3.* -** Sub-section (3) of section 55 proposed to be added by this clause empowers the State Government to extend, by notification in the *Official Gazette*, the total number of hours of work without an interval to six hours in respect of any group or class or description of factories on such conditions as it may deem expedient due to the provision of flexibility in working hours as specified in sub-section (2) of section 54.

***Clause 4.* -** Sub-section (2) of section 56 proposed to be added by this clause empowers the State Government to increase, by notification in the *Official Gazette*, the spread over up to twelve hours inclusive of his intervals for rest in respect of any group or class or description of factories on such conditions as it may deem expedient, due to the provision of flexibility in working hours as specified in sub-section (2) of section 54.

***Clause 7.* -** (i) Proviso to clause (a) of sub-section (1) of section 66 proposed to be substituted by this clause empowers the State Government to exempt, by notification in the *Official Gazette* in respect of any factory or group or class or description of any factory between the hours of 7 P.M to 6 A.M subject to conditions as specified in the said clause (a);

(ii) sub-clause (xvii) of clause (a) of sub-section (1) of section 66 proposed to be substituted by this clause empowers the State Government to prescribe by rules, the conditions other than the conditions as specified therein, in the interest of the woman safety.

The delegation of legislative powers as aforesaid is necessary and is of a normal character.

Dated the 26th August, 2025. **BALVANTSINH RAJPUT.**

By order and in the name of the Governor of Gujarat,

K. M. LALA,

Gandhinagar,
Dated the 2nd September, 2025.

Secretary to the Government of Gujarat,
Legislative and Parliamentary Affairs Department.

Signature Not Verified
Signed by:BHOLUSINGH G THAKUR
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